

Introduced by Senator BlockFebruary 21, 2014

An act to amend Section 115880 of the Health and Safety Code, relating to public beaches.

LEGISLATIVE COUNSEL'S DIGEST

SB 1395, as introduced, Block. Public beaches: inspection for contaminants.

Existing law requires the State Department of Public Health to adopt regulations, as specified, for the minimum standards of public beaches, including requiring the testing of waters adjacent to all public beaches for specified microbial contaminants.

This bill would make a technical, nonsubstantive change to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 115880 of the Health and Safety Code
- 2 is amended to read:
- 3 115880. (a) The department ~~shall by regulation~~, *shall, by*
- 4 *regulation and* in consultation with the board, local health officers,
- 5 and the public, establish, maintain, and amend as necessary,
- 6 minimum standards for the sanitation of public beaches, including,
- 7 but not limited to, the removal of refuse, as it determines are
- 8 reasonably necessary for the protection of the public health and
- 9 safety.

1 (b) Prior to final adoption or amendment by the department, the
2 regulations and standards required by this section shall undergo
3 an external comprehensive review process similar to the process
4 set forth in Section 57004 of the Health and Safety Code.

5 (c) The regulations shall, at a minimum, do all of the following:

6 (1) Require the testing of the waters adjacent to all public
7 beaches for microbiological contaminants, including, but not
8 limited to, total coliform, fecal coliform, and enterococci bacteria.

9 The department may require the testing of waters adjacent to all
10 public beaches for microbiological indicators other than those set
11 forth in this paragraph, or a subset of those set forth in this
12 paragraph, if the department affirmatively establishes, based on
13 the best available scientific studies and the weight of the evidence,
14 that the alternative indicators are as protective of the public health.

15 (2) Establish protective minimum standards for total coliform,
16 fecal coliform, and enterococci bacteria, or for other
17 microbiological indicators that the department determines are
18 appropriate for testing pursuant to paragraph (1).

19 (3) Require that the waters adjacent to public beaches are tested
20 for total coliform, fecal coliform, and enterococci bacteria, or for
21 other microbiological indicators that the department determines
22 are appropriate for testing pursuant to paragraph (1). Except as set
23 forth in subdivision (d), testing shall be conducted on at least a
24 weekly basis from April 1 to October 31, inclusive, of each year
25 beginning in 2012, if all of the following apply:

26 (A) The beach is visited by more than 50,000 people annually.

27 (B) The beach is located on an area adjacent to a storm drain
28 that flows in the summer.

29 (d) The monitoring frequency and locations established pursuant
30 to this section and related regulations may be reduced or altered
31 only after the testing required pursuant to paragraph (3) of
32 subdivision (a) reveals levels of microbiological contaminants that
33 do not exceed, for a period of two years, the minimum protective
34 standards established pursuant to this section.

35 (e) The local health officer shall be responsible for testing the
36 waters adjacent to, and coordinating the testing of, all public
37 beaches within his or her jurisdiction.

38 (f) The local health officer may meet the testing requirements
39 of this section by utilizing test results from other parties conducting

- 1 microbiological contamination testing of the waters under his or
- 2 her jurisdiction.
- 3 (g) Any city or county may adopt standards for the sanitation
- 4 of public beaches within its jurisdiction that are stricter than the
- 5 standards adopted by the department pursuant to this section.

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